

JS 44C/SDNY  
REV. 4/2014**JUDGE FAILLA CIVIL COVER SHEET**

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

**PLAINTIFFS**ISRAEL GAMERO, NORBERTO MASTRANZO AND OSCAR SANCHEZ,  
individually and on behalf of others similarly situated**DEFENDANTS**KOODO SUSHI CORP. (d/b/a KOODO SUSHI), RAYMOND KOO and  
MICHELLE KOO**ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)**Michael A. Failla. Michael Failla & Associates, P.C.  
60 East 42nd Suite 2020  
New York, NY 10165  
Telephone: 212-317-1200**ATTORNEYS (IF KNOWN)****15 CV 2697****CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

Plaintiffs seek unpaid overtime wages pursuant to The Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.

**APR 07 2015**Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously AssignedIf yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_**IS THIS AN INTERNATIONAL ARBITRATION CASE?**No  Yes **(PLACE AN [x] IN ONE BOX ONLY)****NATURE OF SUIT**

TORTS			ACTIONS UNDER STATUTES		
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	28 USC 158	[ ] 400 STATE	REAPPORTIONMENT
[ ] 130 MILLER ACT	LIAIBILITY	INJURY/PRODUCT LIABILITY	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 365 PERSONAL INJURY	28 USC 157	[ ] 430 BANKS & BANKING	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	PRODUCT LIABILITY	[ ] 690 OTHER	[ ] 450 COMMERCE	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	[ ] 368 ASBESTOS PERSONAL INJURY		[ ] 460 DEPORTATION	
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	PRODUCT LIABILITY		[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 370 OTHER FRAUD	[ ] 820 COPYRIGHTS	[ ] 480 CONSUMER CREDIT	
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 830 PATENT	[ ] 490 CABLE/SATELLITE TV	
[ ] 190 OTHER CONTRACT	[ ] 360 OTHER PERSONAL INJURY	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 840 TRADEMARK		
[ ] 195 PRODUCT LIABILITY	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 385 PROPERTY DAMAGE			
[ ] 196 FRANCHISE	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	<b>SECURITIES/ COMMODITIES/ EXCHANGE</b>	
	CIVIL RIGHTS	[ ] 463 ALIEN DETAINEE	LABOR	[ ] 861 HIA (1395ff)	
	[ ] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 862 BLACK LUNG (923)	
		28 USC 2255	[ ] 720 LABOR/MGMT RELATIONS	[ ] 863 DIVC/DIVW (405(g))	
		[ ] 530 HABEAS CORPUS	[ ] 740 RAILWAY LABOR ACT	[ ] 864 SSID TITLE XVI	
		[ ] 535 DEATH PENALTY	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	[ ] 865 RSI (405(g))	
		[ ] 540 MANDAMUS & OTHER	[ ] 790 OTHER LABOR LITIGATION		
			[ ] 791 EMPL. RET. INC SECURITY ACT	[ ] 870 TAXES (U.S. Plaintiff or Defendant)	
				[ ] 871 IRS-THIRD PARTY	
				26 USC 7609	
<b>REAL PROPERTY</b>			<b>FEDERAL TAX SUITS</b>		
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING				
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	<b>PRISONER CIVIL RIGHTS</b>	<b>IMMIGRATION</b>		
[ ] 230 RENT LEASE & EJECTION	[ ] 443 HOUSING/ ACCOMMODATIONS	[ ] 550 CIVIL RIGHTS	[ ] 462 NATURALIZATION APPLICATION		
[ ] 240 TORTS TO LAND	[ ] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[ ] 555 PRISON CONDITION	[ ] 465 OTHER IMMIGRATION ACTIONS		
[ ] 245 TORT PRODUCT LIABILITY	[ ] 446 AMERICANS WITH DISABILITIES - OTHER	[ ] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			
[ ] 290 ALL OTHER REAL PROPERTY	[ ] 448 EDUCATION				

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |   |   |  |   |  |
|---|---|---|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court  | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment |
|   |   | <input type="checkbox"/> a. all parties represented       |   |  |   |  |
|   |   | <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION (U.S. NOT A PARTY)     4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] 3 [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4 [ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Israel Gamero: 312 E. 151 St. Apt. 2 Bronx, NY 10451 (Bronx County)

Norberto Mastranzo: 41-06 Kase St. Apt. 2F Corona, NY 11368 (Queens County)

Oscar Sanchez: 2000 Prospect Ave. Apt. 14 A Bronx, NY 10457 (Bronx County)

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## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

KOODO SUSHI CORP. (d/b/a KOODO SUSHI): 55 Liberty Street New York, NY 10005 (NY County)

RAYMOND KOO: 55 Liberty Street New York, NY 10005 (NY County)

MICHELLE KOO: 55 Liberty Street New York, NY 10005 (NY County)

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one:  THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  MANHATTAN  
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 04/6/2015 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

 YES (DATE ADMITTED Mo. Feb Yr. 1985)  
Attorney Bar Code # MF-8436

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ MAG. JUDGE NETBURN \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)